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EXDIS

SUBJ: CONTINGENCY STATEMENT ON KY CANDIDACY

REF: STATE 153911

120063

DEPARTMENT OF STATE A/CDC/HR

REVIEWED BY Dean Igula DATE 1/26/82

RDS☐or XD☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKING: ☐
DECLASSIFIED☑ RELEASABLE☑
RELEASE DENIED☐
PA or FOI EXEMPTIONS

Saigon 13467 R 8-1-71

1. FOLLOWING IS DRAFT TEXT OF CONTINGENCY STATEMENT TO BE USED IN EVENT KY DECIDES NOT TO RUN, SUBJECT OF COURSE TO MODIFICATION AS REQUIRED BY INTERVENING DEVELOPMENTS:

2. BEGIN TEXT. WE REGRET THE DECISION OF VICE PRESIDENT KY NOT TO CONTEST THE ELECTION FOR THE PRESIDENCY OF THE REPUBLIC. HIS DECISION CREATES A NEW PROBLEM IN THE ELECTORAL PROCESS.

3. OUR OWN VIEW REMAINS AS STATED PREVIOUSLY, NAMELY THAT A FAIR AND CONTESTED ELECTION IS AN ESSENTIAL PART OF THE DEMOCRACTIC PROCESS IN SOUTH VIET-NAM AS ELSEWHERE. IN THE PRESENT SITUATION THERE ARE PROVISIONS IN THE CONSTITUTION WHICH CAN BE INVOKED THAT WOULD PERMIT A CONSTRUCTIVE AND LEGAL SOLUTION TO THE PROBLEMS WHICH THE COUNTRY NOW FACES.

4. WE ARE CONFIDENT THAT THE SOUTH VIETNAMESE GOVERNMENT RECOGNIZES THE SERIOUSNESS OF THE SITUATION AND WE AWAIT WITH INTEREST AN INDICATION OF HOW THE GOVERNMENT WILL DEAL WITH IT. END TEXT.

5. ON BACKGROUND, SPOKESMAN MAY ADD: BEGIN TEXT. AS FOR CONSTITUTIONAL REMEDIES, ARTICLE 56 PROVIDES THAT UNDER CERTAIN CIRCUMSTANCES NEW ELECTIONS COULD BE ORGANIZED WITHIN THREE MONTHS UNDER THE DIRECTION OF THE PRESIDENT OF THE SENATE. OF COURSE, THERE IS ALWAYS THE

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POSSIBILITY OF TAKING RECOURSE IN AN AMENDMENT OF THE CONSTITUTION TO PERMIT ORGANIZATION OF NEW ELECTIONS, BUT THIS IS NECESSARILY A MORE CUMBERSOME PROCESS AS STIPULATED IN ARTICLES 103 TO 106 OF THE CHARTER. END TEXT.

6. SHOULD KY DECIDE TO STAY IN THE RACE HIS ANNOUNCEMENT WILL NO DOUBT BE HEAVILY CONDITIONAL (E. G. ON FAIRNESS OF ELECTION). IT IS THEREFORE DIFFICULT TO DRAFT COMMENT IN ADVANCE. AT THE MOMENT WE BELIEVE SOMETHING ALONG THE FOLLOWING LINES MAY BE SUITABLE AS A START:

7. BEGIN TEXT. WE ARE PLEASED TO HEAR THAT VICE PRESIDENT KY HAS DECIDED TO RUN. WITH THAT DECISION A FREE AND CONTESTED ELECTION IS NOW IN PROSPECT THAT WILL PERMIT THE PEOPLE OF SOUTH VIET-NAM TO CHOOSE THE LEADERSHIP OF THEIR COUNTRY FOR THE NEXT FOUR YEARS. END TEXT.

BUNKER

NOTE BY OC/T: HANDLED AS EXDIS PER MR. SEAN HOLLY, SENIOR WATCH OFFICER, S/S-O.

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NARA DATE 2007